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BSH HOME APPLIANCES CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
100 BOSCH BOULEVARD
NEW BERN, NC 28562

EXAMINER

GRAMLING, SEAN P

ART UNIT

PAPER NUMBER

2875

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/539,825

Applicant(s)

ROSENBAUER ET AL.

Examiner

SEAN P. GRAMLING

Art Unit

2875

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25, 26 and 28-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25, 26 and 28-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S5108)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Amendment

Acknowledgment is made of Amendment received December 3, 2007. Claim 27 has been canceled. Claim 25 has been amended. Claims 25-26 and 28-48 are pending.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 25, 26 and 28-48** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Evertzberg* (EP 1151717), and further in view of *Gute* (GB 2044427).

3. Regarding claim 25, *Evertzberg* discloses a household appliance 1 comprising a front door 2 having an upper edge, a front cover 6 disposed in front of the front door; at least one optical status display device 4 mounted on the household appliance such that the display device is hidden in a built-in state of the household appliance and hidden when the front door is closed; and at least one light guide 13 (or 22) for transmitting a signal light emitted by the optical status display device (see Figures 2 and 3, and paragraphs [0006]-[0009]). The optical status display device 4 in *Evertzberg* is located at the upper edge of the front door 2 rather than positioned at a spacing away from the

upper edge, and the light guide 13 is not arranged so that the signal light emitted by the optical display device 4 is disposed in the front cover 6 (see Figure 3). However, Gute specifically discloses an optical display device 9 located from a spacing of the upper edge of a front door that generates a signal light, wherein a light guide 8 is arranged so that the signal light is disposed in a front cover 6 (see Gute, Figure 1 and Abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to position the optical status display device 4 at a spacing from the upper edge of the front door and arrange the light guide 13 in the front cover 6 as taught by Gute in order to allow a user of the dishwasher to view the display signal when the dishwasher door is closed, and since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

4. Regarding claim 26, the signal light emitted by the optical status display device 4 in *Evertzberg* is guided by the light guide 13 to an area of the household appliance that is visible to a user so that the operating status of the household appliance can be checked even when the front door 2 is closed (see Figures 2 and 4).

5. Regarding claim 28, the front door 2 in *Evertzberg* has a front surface and the front cover 6 is disposed in front of the front surface of the front door. The optical status display device is not mounted at the front surface of the front door, it is mounted at the upper edge surface of the front door (see Figure 3). It would have been obvious to one having ordinary skill in the art at the time the invention was made to position the display device at the front surface of the front door, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

6. Regarding claims 29 and 30, the front cover 6 in *Evertzberg* has a rear surface facing the front surface of the front door 2 and a front surface in opposition to the rear surface and the optical display device is mounted on the front door 2 (see Figure 2). The front cover does not have a substantially cylindrical through hole to receive and surround the light guide 13. Rather, layer 17 contains a hole to receive the light guide 13 (see Figures 3 and 9). It would have been obvious to one having ordinary skill in the art at the time the invention was made to place the hole for receiving the light guide 13 in the front cover 6 instead of layer 17, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.
7. Regarding claims 31 and 32, the household appliance 1 in *Everzberg* includes a handle mounted on the front cover 6 (see Figure 3). The light guide 13 is not disposed in the handle and the light guide 13 is not the handle. It would have been obvious to one having ordinary skill in the art at the time the invention was made to position the light guide 13 in the handle or form it as the handle, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.
8. Regarding claim 33, the front door 2 in *Everzberg* has a side edge and a lower edge (see Figure 3). The optical status display device 4 is not mounted at one of these edges, it is mounted at the upper edge of the door 2. It would have been obvious to one having ordinary skill in the art at the time the invention was made to position the optical status display device 4 at either the side or lower edges of the door 2, since it has been

held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

9. Regarding claim 34, the light guide 13 in *Everzberg* is displaceable.

10. Regarding claim 35, the front door 2 in *Everzberg* has a side edge and a lower edge and the optical display device 4 is located at a spacing from the side edge and the lower edge, but not at a spacing from the upper edge of the door 2 (see Figures 2 and 3). It would have been obvious to one having ordinary skill in the art at the time the invention was made to position the display device at a spacing from the upper edge of the front door, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

11. Regarding claim 36, the front cover 6 in *Everzberg* has a rear surface facing the front surface of the front door 2 and a front surface in opposition to the rear surface, a first part 21 of the light guide 13 is arranged such that the signal light is transmitted from the optical status display device 4 to the upper edge of the front door 2, and a second part 22 of the light guide is arranged such that the signal light is transmitted at least as far as the front side of the front cover (see Figures 2-4).

12. Regarding claim 37, the first and second parts of the light guide 13 in *Everzberg* are not separable. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the light guide 13 separable into two parts, since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177.

13. Regarding claim 38, the household appliance 1 in *Everzberg* further comprises a housing wherein the optical status display device is mounted in the housing (see Figures 2-4).

14. Regarding claim 39, the light guide 13 in *Everzberg* guides the signal light along a light guiding path 12 and the light guiding path is adaptable to extend through the respective thickness of the front cover (see Figure 2).

15. Regarding claim 40, the light guide 13 in *Everzberg* is not mounted flush to the optical status display device 4. It would have been obvious to one having ordinary skill in the art at the time the invention was made to mount the light guide 13 flush against the optical status display device 4, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

16. Regarding claim 41, the light guide 13 in *Everzberg* comprises at least one glass fiber (see paragraph [0010]).

17. Regarding claim 42, the light guide 13 in *Everzberg* comprises at least one plastic fiber (see paragraph [0010]).

18. Regarding claim 43, the optical status display device 4 in *Everzberg* is operable to provide a signal indicating at least the operating states ON/OFF of the respective switched on and switched off states of the household appliance (see paragraph [0008]).

19. Regarding claim 44, the optical status display device 4 in *Everzberg* comprises at least one light-emitting diode (see Figure 2 and paragraph [0006]).

20. Regarding claim 45, *Everzberg* does not specifically disclose that the light-emitting diodes 24 emit a signal light of a different color indicating a different operating

state. It is well-known in the art to use colored LED's and it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a colored LED to indicate a different state of operation (see *Becke et al*, US 7,082,777, column 4, lines 13-18).

21. Regarding claim 46 and 47, *Everzberg* does not specifically that a plurality of colored light guides 13 be used to transmit signal light pertaining to different operating states 15. It would have been obvious to one having ordinary skill in the art at the time the invention was made to add additional light guides 13, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Regarding claim 48, the household appliance in *Everzberg* is a dishwasher (see Figure 3 and paragraph [0006]).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SEAN P. GRAMLING whose telephone number is (571)272-9082. The examiner can normally be reached on MONDAY-FRIDAY 7:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2875

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sean P Gramling
Examiner
Art Unit 2875

/SPG/

/Sandra L. O'Shea/
Supervisory Patent Examiner, Art Unit 2875